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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,526	10/24/2003	Robert J. Chambers	008.0002	.9832

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EXAMINER

LEE, JONG SUK

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,526

Applicant(s)

CHAMBERS, ROBERT J. 

Examiner

Jong-Suk (James) Lee

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,6-14 and 19-26 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 15-18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/24/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The corrected or substitute drawings were received on November 24, 2003. These drawings are formal and acceptable.

Specification

2. The disclosure is objected to because of the following informalities:

Paragraph no. [0021], line 6: "The first soil aperture 24" should be changed to -- The first soil aperture 28 --.

Appropriate correction is required.
3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.
4. The abstract of the disclosure is objected to because of the sentence, "An irrigation system is provided in accordance with the present invention. The irrigation system is configured to...." in lines 1-2. It is suggested to be -- An irrigation system is configured to... --.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 6-10, 14 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Brandt (US 4,065,926).

Brandt disclose a subterranean irrigation system comprising a first layer (36) having a first or plurality of rectangular apertures, a second rectangular layer (38) being adhesively secured to said first layer to form a fluid cavity (20) for receiving the irrigation fluid, said second layer having a second or a plurality of apertures (22) that is at least partially aligned with said first aperture to form a soil aperture that is configured to pass at least a portion of the soil, a fluid distributor (78) formed between said first layer and said second layer, said fluid distributor configured to emit the irrigation fluid contained in said fluid cavity into the soil aperture such that that the irrigation fluid is distributed into the soil, the soil aperture having a rectangular/square shape and the first and second layers are provided with a multiple or single semi-flexible materials, such as a variety of plastics, polyethylene or vinyl chloride which may be flexible without excessive heating, remain suitable rigid at ambient temperature (col.4, lines 3-5) (see Figs. 1-6; col.2, lines 58-68; col.3, lines 1-68; col.4, lines 1-40; col.1-50).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 11-13 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt in view of Chambers (US 6,293,477). The teachings of Brandt have been discussed above.

However, Brandt fails to disclose or fairly suggest the sheet being made of porous material including a plurality of seep holes.

Chambers discloses an apparatus for distribution or collection of fluids comprising of a first and a second layer being superimposed and a plurality of apertures (24) are configured to the superimposed layers and a fluid cavity (12) being formed between the two layers, the first layer having a plurality of seep holes (20) to be porous as depicted in Fig. 3 (see col.4, lines 8-35).

Therefore, in view of Chambers, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the seep holes to the first/upper layers of the irrigation mat in order to enhance the water/fluid distribution and collection effect of the mat and to facilitate the transfer of fluids/water between the environment and the irrigation mat.

Art Unit: 3673

Allowable Subject Matter

9. Claims 2-5 and 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other references cited disclose a drip irrigation tape, a multi-layered, porous mat turf irrigation apparatus and method and a low profile drainage network.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jong-Suk (James) Lee whose telephone number is (703) 308-6777. The examiner can normally be reached on 6:30 am to 3:00 pm, Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Lee /jjl
November 12, 2004



**Jong-Suk (James) Lee
Primary Examiner
Art Unit 3673**